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MT LEGISLATIVE HISTORY

Chapter 242 1989

Bill H _____ (S) 232 Original bill & hist. ___C

H. Committee on State Administration S. Committee on _____

Hearing Date(s)			Hearing Date(s)		
	Mar 08	✓C		Jan 30	✓C
	_____	___C		Feb 01	✓C
	_____	___C		Feb 02	✓C
	_____	___C		_____	___C
Date Out	Mar 08	✓C		Feb 02	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HEARING ON SENATE BILL 232

Presentation and Opening Statement by Sponsor: Senator Tom Keating of Billings, representing District 44, opened the hearing. He stated that SB 232 would acknowledge notarial acts performed for use in Montana by a notary public authorized by any jurisdiction to perform notarial acts. He stated that SB 232 was an expansion of the opportunity for the notary commission to perform his function. A person in Montana can apply for a certificate from the Secretary of State, post bond and receive a commission to be a notary public. He can go to another state, North Dakota for example, and acknowledge documents there. However, if an out-of-state notary comes to Montana on business, Montana law does not allow him to perform his notary functions in Montana. This, at times, has been inconvenient and has caused some problems in Eastern Montana. Many times people from Williston and Sidney cross state lines to do business, and it would be helpful to have this option, he stated. He explained that the purpose of the bill is to allow an out-of-state notary to act in Montana. It would be a reciprocal agreement and would be a simple courtesy to the surrounding states, he said.

List of Testifying Proponents and What Group they Represent:

Representative Bob Gilbert of Sidney, District 30

List of Testifying Opponents and What Group They Represent:

None.

Testimony:

Representative Gilbert stated that he agreed with Senator Keating that this was a problem which needed to be addressed. He said the bill would effect convenience and be good business.

Questions From Committee Members: Senator Mazurek asked if there was any reciprocal bond benefit. Senator Keating replied that he didn't know. He stated that the legal people who hire Montana notaries to work in North Dakota and notarize documents there must feel the Montana bonding is sufficient. They haven't shown any concern regarding it, he said.

Senator Mazurek asked if anything special needed to be done by a Montana notary to be legal in North Dakota. Senator Keating responded "NO" and said there were no registration or bonding requirements.

Senator Mazurek said he felt the bonding issue needed further study.

Senator Crippen said the committee had received letters regarding the bill. (Exhibits 5 and 6)

Closing by Sponsor: Senator Keating closed by stating that this would not require extra work for the Secretary of State's office if this bill were enacted. He closed.

HEARING ON SENATE BILL 84

Presentation and Opening Statement by Sponsor: Senator Vaughn of Libby, representing District 1, opened the hearing. She stated that SB 84 would require the registration of sexual offenders by the Department of Institutions and local law enforcement agencies; providing that registration cannot be waived in imposing sentence; and requiring mandatory treatment for sexual offenders imprisoned in the state prison. She explained the bill and its amendments. She presented copies of the amendments to the committee (See Exhibit 2.) She also read a letter from some Libby-area residents who wished to voice their opinion. (See Exhibit 3.)

List of Testifying Proponents and What Group they Represent:

Representative Dorothy Cody of Wolf Point, District 15
Ron Ardis, Attorney for the Child Protection Services
Mike McGrath, Lewis and Clark County Attorney
Mike Sherwood, Montana Trial Lawyers Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Representative Cody stated that, in her area, there was a group called Voices for Children, which acted as a strong

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date Jan 30, 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN		✓	
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT			
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

MERIDIAN OIL

EXHIBIT NO. 10
DATE 1-30-89
BILL NO. SB 232

January 26, 1989

Senator Bruce Crippen
Capitol Station
Helena, Montana 59602

RE: Senate Bill 232

Honorable Senator Crippen:

It has come to my attention that Senate Bill 232 will be voted upon Monday, January 30, 1989. As a landman, employed by Meridian Oil Inc., I believe that SB-232 should be approved and become a law in the State of Montana as a reciprocity arrangement with the State of North Dakota.

I would request that you support SB-232.

Yours very truly,

Robert A. Kay
Landman

RGC:mlm/806

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 1-30-89
BILL NO. SB 23

MERIDIAN OIL

January 26, 1989

Senator Bruce Crippen
Capitol Station
Helena, Montana 59602

RE: Senate Bill 232

Honorable Senator Crippen:

It has come to my attention that Senate Bill 232 will be voted upon Monday, January 30, 1989. As a landman, employed by Meridian Oil Inc., I believe that SB-232 should be approved and become a law in the State of Montana as a reciprocity arrangement with the State of North Dakota.

I would request that you support SB-232.

Yours very truly,

Paul A. Hirt

Paul A. Hirt
Landman

RGC:mlm/806

4 with Senators Halligan, Beck, Yellowtail and Jenkins voting NO.

Senator Beck MOVED to further amend the bill with $23,000 as the bottom figure and $30,000 for the top figure.

Senator Pinsoneault asked to SEGREGATE the lower figure and proposed lowering the $25,000 to $22,000. The committee agreed upon the segregation.

A vote on the portion of the amendment making the $25,000, $23,000 PASSED UNANIMOUSLY. The portion of the amendment reducing the $32,000 upper figure to $30,000 was voted upon and CARRIED UNANIMOUSLY.

There was a question on the steno fee, and Mr. Anderson said that a $2.00 fee was charged in each civil case that goes to trial. He felt raising that to $10 was a fair increase. Senator Mazurek said some cases never use a court reporter, yet would have to pay. Mr. Anderson said that judges were requiring court reporters to record more even in uncontested cases, the reason being that the case might be reopened.

Recommendation and Vote: Senator Brown MOVED that Senate Bill 209 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 232

Senator Mazurek said that the sponsor of the bill, Senator Keating was doing further research as to whether a bond purchased by a North Dakota notary would provide protection to a Montana resident and vice versa. It was the consensus of the committee to hold action on the bill until a further meeting.

DISPOSITION OF SENATE BILL 229

Discussion: Senator Crippen said there was real concern about p. 2, line 20. Senator Mazurek said he had concerns about the $10,000 bond being too small. Senator Mazurek asked if there was any interest in changing the bill to repeal the section entirely. He thought people could use debt adjustment, instead of putting in regulatory language on what can be charged in a statutory section which prohibits debt adjusting. He also thought the 10% could be raised to 15%.

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date Feb 1

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

the vending machine sale of cigarettes. Sen. Mazurek said they were referred to on page 1, line 24. Senator Pinsoneault asked about the child going to the store with a note from a parent asking for cigarettes to be sold to the child. Senator Walker said the child would not be allowed to buy the cigarettes.

Closing by Sponsor: Senator Walker asked the committee to do whatever possible, including amendments, to pass the bill. He urged support and closed the hearing.

DISPOSITION OF SENATE BILL 266

Discussion: The committee had a discussion on including an amendment referring to possession of tobacco products.

Amendments and Votes: Senator Halligan MOVED an amendment on page 1, line 21, after " purchase" to insert "or possession of tobacco products" and to reflect the same in the title as well. The MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: Senator Halligan MOVED that SB 266 DO PASS AS AMENDED. The MOTION CARRIED on a 9 to 1 vote with Senator Crippen dissenting.

DISPOSITION OF SENATE BILL 232

Recommendation and Vote: Senator Yellowtail MOVED for a DO PASS on Senate Bill 232. The MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 208

Recommendation and Vote: Senator Brown MOVED that Senate Bill 208 BE TABLED. The MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 155

Recommendation and Vote: Senator Halligan MOVED that Bill 155 BE TABLED. The MOTION CARRIED by a vote of 8 to 2 with Senators Mazurek and Crippen voting NO.

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 2-2-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 2, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 232 (first reading copy -- white), respectfully report that SB 232 do pass.

DO PASS

Signed: _____
Bruce D. Crippen, Chairman

2/2/89
2:39 pm

scrsb232.202

DISPOSITION OF SB 241

Action on the bill was deferred until the Committee could ask some questions and the judge's pay bill, SB 196, had been heard.

HEARING ON SB 232

Presentation and Opening Statement by Sponsor: Sen. Tom Keating, Senate District 44, introduced the bill. This bill permits a notary public authorized by any jurisdiction to perform notarial acts, for use in Montana. Presently a notary in Montana can notarize an instrument that is signed in Montana to be recorded in Montana. A Montana notary may sign an instrument signed in Montana for recording in some other state. A person in Montana can send an instrument to another state and have it signed there and notarized by a notary public in that state and record that in Montana. This bill would allow the notary to go from state to state. North Dakota passed a similar law two years ago allowing a Montana notary working in North Dakota to acknowledge an instrument signed in North Dakota to be recorded in North Dakota. This bill would be reciprocal to North Dakota's bill. It would allow a North Dakota notary public working in Montana to notarize an instrument in Montana to be recorded in Montana.

Sen. Keating said SB 232 would assist many of the businesses and people on the border between Montana and North Dakota.

Testifying Proponents and Who They Represent: None

Testifying Opponents and Who They Represent: None

Questions From Committee Members:

REP. MOORE asked if this bill would apply to all states. Sen. Keating said it would apply to states that have reciprocal agreements, and right now North Dakota is the only state that has this agreement.

REP. DEBRUYCKER asked if there would be any additional cost to the state. Sen. Keating said there would not be. A North Dakota notary, coming into Montana, does not have to register or fill out a form for the Secretary of State, nor do Montana notaries going to North Dakota have to file anything in North Dakota. All notaries are bonded. The bond goes with the notary wherever he/she functions. This is for the protection for the party seeking a notary acknowledgment. The grantee of an instrument is the one who is to seek out a proper notary for a proper acknowledgement. The burden is on the grantee in any of those situations to perfect his title of record in any transfer.

Closing by Sponsor: Sen. Keating thanked the Committee for their time. He said that Rep. Gilbert will carry the bill on the House floor.

DISPOSITION OF SB 232

Motion: Rep. Phillips moved SB 232 BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED unanimously.

ADJOURNMENT

Adjournment At: 10:07

Jan Brown
REP. JAN BROWN, Chairman

JB/jb

5414.min

DAILY ROLL CALL

STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date March 8, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	✓		
Rep. Helen O'Connell, Vice Ch.	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Ervin Davis	✓		
Rep. Floyd "Bob" Gervais	✓		
Rep. Janet Moore	✓		
Rep. Angela Russell	✓		
Rep. Carolyn Squires	✓		
Rep. Vernon Westlake	✓		
Rep. Timothy Whalen	✓		
Rep. Bud Campbell	✓		
Rep. Duane Compton	✓		
Rep. Roger DeBruycker	✓		
Rep. Harriet Hayne	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Rande Roth	✓		
Rep. Wilbur Spring, Jr.	✓		

STANDING COMMITTEE REPORT

March 8, 1989

Mr. Speaker: We, the committee on State Administration report that Senate Bill 232 (third reading copy -- blue) be concurred in .

Signed: Jan Brown
Jan Brown, Chairman

[REP. GILBERT WILL CARRY THIS BILL ON THE HOUSE FLOOR]